

# **Malibu City Council** **Regular Meeting Agenda**

**Monday, September 10, 2001**

**5:30 P.M. - CLOSED SESSION**  
**City Hall - Large Conference Room**  
**23555 Civic Center Way**

**6:30 P.M. - REGULAR CITY COUNCIL MEETING**  
**HRL Auditorium**  
**3011 Malibu Canyon Road**

**Five-thirty p.m.**      **Closed Session**

*This time has been set aside for the City Council to meet in a closed session to discuss matters pertaining to existing litigation pursuant to Government Code Section 54956.9(a). The City Attorney will give an additional oral report regarding the closed session at the beginning of the next regular City Council meeting.*

**Existing litigation per Government Code Section 54956.9 (a):**

1. Gibbs v. City of Malibu  
Los Angeles County Superior Court Case No. BS0593621
2. Lavine v. City of Malibu  
Los Angeles County Superior Court Case No. SS 008071
3. Rubens v. City of Malibu  
Los Angeles County Superior Court Case No. SC060331

**Six-thirty p.m.**      **Regular Session**

*Public Hearings will begin at 6:30 p.m., or as soon thereafter as possible, but in no event later than 7:30 p.m.*

Call to Order - Mayor

Roll Call - Recording Secretary

Pledge of Allegiance

Closed Session Report

Approval of Agenda

Report on Posting of Agenda - August 31, 2001

**1.      Ceremonial/Presentations**

- A.      Presentation of commendations to the Native American Cultural Resources Advisory Committee for their efforts at Chumash Day
- B.      Proclamation to Boys and Girls Club and Malibu Foundation for Youth and

Families for "Celebration of Malibu Youth"

- C. Presentation of Malibu Tiles to Building Official Victor Peterson and City Engineer Rick Morgan for seven years of service to the City and to Accounting Clerk Judy Kimble for nine years of service to the City
- D. Presentation by Assistant Fire Chief Mike Dyer on Fire Season

**2. Written and Oral Communications from the Public**

- A. Communications from the Public concerning matters which are not on the agenda but for which the City Council has subject matter jurisdiction. City Council may not act on these matters except to refer the matters to staff or schedule the matters for a future agenda.
- B. City Council Subcommittee reports/Mayor and Councilmember reports and inquiries.

**3. Consent Calendar**

- A. Previously Discussed Items
- B. New Items

1. Waive further reading

Staff recommendation: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.

Staff contact: City Attorney Hogin 456-2489 ext. 228

2. Approve warrants

Staff recommendation: To allow and approve warrant demand numbers 17162 through 17318 and 17319 and 17429 listed on the attached register from the General Fund and direct the City Treasurer to pay out the funds to each of the claimants listed in Warrant Register Nos. 240 and 241 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands, including payroll checks, in a total amount of \$936,506.15.

Staff contact: Administrative Services Director James 456-2489 ext. 224

3. Re-affirm the State of Local Emergency Declared by the Director of

Emergency Services on March 9, 2001 relating to the Landslide Road Failure at Corral Canyon

Staff recommendation: Re-affirm the State of Local Emergency by minute order.

Staff contact: Acting City Manager Lichtig 456-2489 ext. 226

As a result of the rainstorms in early March, landslides impaired Corral Canyon Road, forcing its partial closure and creating a condition dangerous to the public health and safety. This action would extend the state of local emergency declared as the City responds to the situation and attempts to repair the area.

4. Denial of Claim for Damages filed by James and Marilyn O'Toole

Staff recommendation: Staff recommends that the City Council deny the claim filed by James and Marilyn O'Toole.

The claim for damages alleges that services were not rendered by the City and requests a refund from the City of Malibu for the \$4,055.94, plus interest, for costs incurred for building permits.

5. Approval of Minutes

Staff recommendation: Approve City Council meeting minutes of July 23, July 25 and August 13, 2001.

Staff contact: City Clerk Pope 456-2489 ext. 228

6. Award of Contract for the Annual Pavement Rehabilitation Program

Staff recommendation: Award the Annual Pavement Rehabilitation Program, Specification CIP 01-08, to Security Paving Company, Inc. for \$461,380.70 and authorize expenditures for contract change orders of an additional \$69,207.11 (15%) for a total not to exceed \$530,587.80.

Staff contact: Public Works Director Bergson 456-2489 ext. 225

7. Approval of “Living Lightly in our Watersheds” publication for city-wide distribution

Staff recommendation: 1) Authorize the City Manager to enter a contract with the Resource Conservation District of the Santa Monica Mountains (RCD) in an amount not-to-exceed \$13,760 to print an environmental directory entitled “Living Lightly in Our Watersheds”, and 2) Appropriate \$15,000 from the Solid Waste Management fund balance to pay for printing and city-wide mailing of this publication.

Staff contact: City Engineer Morgan 456-2489 ext.247

4. **Ordinances and Public Hearings**

*This portion of the agenda is for ordinances and for advertised hearing items where formal public testimony on each item is received prior to City Council action; the public hearings will begin at 6:30 p.m., or as soon thereafter as possible, but in no event later than 7:30 p.m.*

A. Resolutions for Appeal No. 01-002 - An application to construct a new single-family residence located at 32804 Pacific Coast Highway (Kempin)

Staff recommendation: Adopt Resolution Nos. 01-15 (A-F) as approved by the City Council.

Staff contact: Planning Director Hogan 456-2489 ext. 234

This is an appeal of the Planning Commission denial of an application for a single family residence with an increase in height and variance from certain setback requirements. The applicant has made some adjustments to the proposal and appeals the Commission’s denial. This item presents the revised resolutions incorporating changes to conditions of approval as directed by City Council.

B. Municipal Code - Re-Codification & Publication Project

Staff recommendation: Introduce on first reading Ordinance No. 229, AN ORDINANCE OF THE CITY OF MALIBU REPEALING CERTAIN SUPERCEDED ORDINANCE AND MAKING CERTAIN CHANGES IN PREPARATION FOR THE ADOPTION OF THE NEWLY CODIFIED MALIBU MUNICIPAL CODE, and direct the City Clerk to place the item on the next City Council meeting to consider second reading and adoption.

Staff contact: City Clerk Pope 456-2489 ext. 228

**5. Old Business**

A. Resolution Establishing Priorities for Use of Bond Proceeds

Staff recommendation: Adopt Resolution No. 01-48, establishing priorities for the use of parkland bond proceeds if approved by voters in November of 2001.

Staff contact: Parks and Recreation Director Adams 317-1364

**6. New Business**

A. Request by Santa Monica - Malibu Unified School District to conduct up to 4 (four) Roundtable Meetings with the City Council and the Board of Education in the next 12 months.

Staff contact: Acting City Manager Lichtig 456-2489 ext. 226

B. Neighborhood Traffic Plan Process

Staff recommendation: Approve the Neighborhood Traffic Plan Process.

Staff contact: Public Works Director Bergson 456-2489 ext. 225

C. Presentation of Recommendations for Restoration BMP's and Projects for Malibu Creek and Lagoon adopted by Malibu Creek Watershed Executive Council - Lagoon Task Force

Staff recommendation: This item is presented for informational purposes, therefore no action is recommended.

Staff contact: City Engineer Morgan 456-2489 ext. 247

D. Recommendation from the Telecommunications Commission to authorize the Commission and staff to evaluate the installation of Boosters and Translators on the City's Emergency Radio Pole Antenna for up to five (5) FM radio stations

Recommendation: The Telecommunications Commission recommends the City Council authorize the Commission and staff to evaluate the installation of equipment to support up to five (5) FM radio stations.

Staff contact: Telecommunications Specialist Chanel 456-2489 ext. 278

E. Presentation of the Proposed Work Plan for a Risk Assessment of Decentralized Wastewater Treatment Systems in High Priority Areas in the City of Malibu; Approval of a Resolution accepting up to \$667,000 in Grant Funds from the State of California

Staff recommendation: Approve the proposed work plan as presented; adopt Resolution No. 01-47 to receive up to \$667,000.00 in grant funding; and authorize a sole source contract with Stone Environmental to implement this grant.

Staff contact: Building Official Peterson 456-2489 ext. 251

## 7. Councilmember Items

### A. Appointment by Councilmember Hasse to the Malibu Trails Master Plan Advisory Committee (Councilmember Hasse)

Recommendation: Councilmember Hasse to make an appointment to the Trails Master Plan Advisory Committee.

### B. Consideration of Presentation of Malibu Tile to Fred Segal for the 1975 Creation of the Malibu Country Mart and playground (Mayor House and Councilmember Hasse)

Recommendation: Determine whether to present a Malibu Tile to Fred Segal.

## Adjournment

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### Future Meetings

Mon., September 24, 2001	6:30 p.m.	Regular City Council Meeting	HRL Auditorium
Mon., October 8, 2001	6:30 p.m.	Regular City Council Meeting	HRL Auditorium
Mon., October 22, 2001	6:30 p.m.	Regular City Council Meeting	HRL Auditorium

### Guide to the City Council Proceedings

**The Oral Communication** portion of the agenda is for members of the public to present items which are not listed on the agenda, but are under the subject matter jurisdiction of the City Council. No action may be taken under this section except to direct staff unless the Council, by a two-thirds vote, determines that the need to take action arose after the posting of the agenda or that the item presents an emergency situation for which action is required prior to the next regularly scheduled meeting of the City Council. Although no action may be taken on these non agenda items, the Council and staff will follow up on those items needing response. Each speaker is limited to (3) three minutes. Time may be surrendered by deferring (1) one minute to another speaker, on the same item, not to exceed a total of (8) eight minutes. The speaker wishing to defer time must be present when the item is heard. In order to be recognized and present an item, each speaker must complete and submit to the Recording Secretary a Request to Speak form prior to the beginning of the item being announced by the Mayor (forms are available at the Chamber doors). Speakers are taken in the order slips are submitted.

**Items in Consent Calendar Section A** have already been considered by the Council at a previous meeting where the public was invited to comment, after which a decision was made. These items are not subject to public discussion at this meeting because the vote taken at the previous meeting was final. Resolutions concerning decisions made at previous meetings are for the purpose of memorializing the decision to assure the accuracy of the findings, the prior vote, and any conditions imposed.

**Items in Consent Calendar Section B** have not been discussed previously by the Council. If discussion is desired, an item may be removed from the Consent Calendar and will be considered individually.

Councilmembers may indicate a negative or abstaining vote on any individual item by so declaring prior to the vote on the motion to adopt the entire Consent Calendar. Items excluded from Consent Calendar will be taken up by the Council following the action on the consent calendar. The Council first will take up the items for which public speaker requests have been submitted. Public speakers are limited to (3) three minutes each. If a speaker slip is submitted late the speaker's time will be limited to (2) minutes. If more than 10 speaker slips are submitted each speaker's time will be limited to (2) two minutes each.

**Items set for Public Hearing** commence at 7:30 p.m. or as soon thereafter as practicable. At that time the City Council will stop its other proceedings and move directly to Public Hearing items. At the conclusion of Public Hearings the City Council will continue the agenda where it left off. For Public Hearings involving zoning matters the appellant will be given 15 minutes to present their position to the City Council, including rebuttal time. All other testimony shall be limited to (3) three minutes per person and follow the rules as set forth under Oral Communication.

**Items in Old Business** are items which have appeared on previous agendas but have either been continued or tabled to this meeting with no final action having been taken. Public comment on any item is permitted under the public comment rules. Speakers should address whether they are supportive or opposed to either the recommended action or the motion before the City Council for decision. Items in New Business are items which are appearing for the first time for formal action. Public comment on any item is permitted under the public comment rules. Speakers should address whether they are supportive or opposed to either the recommended action or the motion before the City Council for decision.

**City Council Items** are items which individual members of the City Council may bring up in terms of reporting to other members of the City Council, to propose future agenda items or to suggest future staff assignments. Items discussed under City Council Items follow the same rules as set forth under Oral Communications in terms of the actions the City Council may take on any item brought up under this portion of the agenda. Each Councilmember's oral item presentations are limited to four minutes. No new items will be taken-up after 10:30 p.m. without a two-thirds vote of the City Council.

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*City Council meetings are aired on City of Malibu Government Access Channel 15. Broadcasts on Channel 15 occur at 8:00 a.m. and 8:00 p.m. Monday, Wednesday and Friday, Tuesday and Thursday at 8:00 p.m., and at 2:00 p.m. on both Saturday and Sundays. Copies of the staff reports or other written documentation relating to each item of business described above are on file in the office of the City Clerk, Malibu City Hall, 23555 Civic Center Way, Malibu, California and are available for public inspection during regular office hours which are 8:30 a.m. to 5:00 p.m., Monday through Friday. Copies of staff reports may be purchased for \$0.25 per page. Pursuant to State law, this agenda was posted at least 72 hours prior to the meeting at the Malibu City Offices, Malibu Community Center at Point Dume and Malibu Community Library. The City Hall phone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Building & Safety Director Victor Peterson, (310) 456-2489, ext. 251. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II]*

*I hereby certify under penalty of perjury, under the laws of the State of California, that the foregoing agenda was posted in accordance with the applicable legal requirements. Dated this 31<sup>st</sup> day of August, 2001.*

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*Lisa Pope, City Clerk*